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Serial No. 10/824,254  
24 February 2005 Reply to  
24 August 2004 Office Action

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Burd, et al.

Serial No.: 10/824,254

Filed: April 14, 2004

For: METHOD AND INSTRUMENTS  
FOR NON-INVASIVE ANALYTE  
MEASUREMENT

Group Art Unit: 3736

Examiner: M. Kremer

Attorney No.: OCULIR03

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee, Oculir, Inc., owning 100% interest in the captioned application by virtue of the enclosed assignment, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application that would extend beyond the expiration date of the full statutory term (as defined in 35 U.S.C §§ 154 to 156 and 173) of any patents issuing from U.S. Patent Applications 10/428,410, 10/824,214. In accordance with 37 CFR 1.321(c)(3), the Assignee hereby agrees that any patent granted on the captioned application shall be enforceable only for and during such period that it is commonly owned with any patents issuing from U.S. Patent Applications 10/428,410, 10/824,214, and is binding upon the grantees, their successors or assigns.

CERTIFICATE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, fax. Number 703-872-9306 on the date shown below.

Shari Herron  
Printed Name

Signature of Person Faxing Papers

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Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patents issuing from U.S. Patent Applications 10/428,410, 10/824,214, in the event that any patents issuing from U.S. Patent Applications 10/428,410, 10/824,214 expire for failure to pay a maintenance fee; are held unenforceable; are found invalid; are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.32(a); have all claims canceled by a reexamination certificate; or are otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I am attorney of record and am authorized to make this disclaimer on behalf of the Assignee.

I hereby declare that all statements made herein on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 2/24/05

Respectfully submitted,

By: 

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